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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,996	08/08/2001	Oliver W. Saunders	12-1158	3606
23446	7590	12/03/2004	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/924,996		SAUNDERS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Philip C Lee		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-23 are presented for examination.

*Claim Rejections – 35 USC 112*

2. Claims 6 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:
  - i. As per claim 6, it is uncertain what is meant by “ at last one of television program data, music data, and video game data [i.e. did the claim meant “at least”?].
  - ii. As per claim 17, it is unclear what is meant by “IF”[i.e. please expand on abbreviation].

*Claim Rejections – 35 USC 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders, U.S. Patent 6,697,850 (hereinafter Saunders) in view of Rothblatt, U.S. Patent 6,105,060 (hereinafter Rothblatt).

5. As per claim 1, Saunders taught the invention substantially as claimed for a communication satellite, comprising:

an uplink demodulator producing demodulated data on a demodulated data output (col. 4, lines 56-57; col. 5, lines 19-22);  
memory coupled to the data output for storing the demodulated data (fig. 2; col. 4, lines 56-57); and  
a processor coupled to the memory (64 and 66, fig. 2; col. 4, lines 48-49).

6. Saunders did not teach control signal to generate a first and a second time delayed data stream. Rothblatt taught a similar system wherein the processor outputting a first preselected time delay control signal (e.g. a simple access request) (col. 6, lines 37-48; col. 8, lines 34-38;

col. 15, lines 46-50) to the memory to generate a first time delayed data stream (col. 14, lines 35-36; col. 15, lines 51-65), and a second preselected time delay control signal (e.g. command for transmission) (col. 6, lines 37-48; col. 8, lines 34-38; col. 16, lines 33-35) to the memory to generate a second time delayed data stream (col. 14, lines 30-37; col. 16, lines 35-40).

7. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders and Rothblatt because Rothblatt's system of generating a first and a second time delayed data stream would increase the flexibility of Saunders's system by allowing multimedia information to be transmitted to user terminals at selected times during the day (col. 5, lines 14-16).

8. As per claim 7, Saunders taught the invention substantially as claimed for a communication satellite, comprising:

an uplink demodulator producing program data, a program data identifier (e.g. download code), and a delivery request on a demodulator output (col. 2, lines 41-46; col. 4, lines 56-59);

a memory coupled to the data output for storing the demodulated data and the program data identifier (fig. 2; col. 2, lines 18-22, 41-46; col. 4, lines 56-57); (Note that access request that contains program code is cached)

a processor coupled to the memory (64 and 66, fig. 2; col. 4, lines 48-49).

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9. Saunders did not teach control signal to generate a downlink data stream specified by the delivery request. Rothblatt taught a similar system wherein the processor outputting a control signal (e.g. a simple access request) (col. 6, lines 37-48; col. 8, lines 34-38; col. 15, lines 46-50) to the memory to generate a downlink data stream from the program data when specified by the delivery request (col. 5, lines 13-31; col. 14, lines 35-36; col. 15, lines 51-65).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders and Rothblatt because Rothblatt's system of control signal to generate a downlink data stream specified by the delivery request would improve the performance of Saunders's system by providing control of the downlink signals (col. 8, lines 34-40).

11. As per claims 21, 14 and 19, Saunders taught the invention substantially as claimed for caching program data in a communication satellite, comprising:

receiving program data on an uplink (col. 5, lines 42-46);

obtaining a program identifier associated with the program data (col. 2, lines 41-46);

caching the program data in a memory (col. 4, lines 48-56).

12. Saunders did not teach generating a first downlink data stream and a second downlink data stream according to a delivery schedule. Rothblatt taught a similar system comprising:

retrieving the program data from the memory at a predetermined future time according to at least one of a delivery request and a delivery schedule (col. 5, lines 14-31; col. 8, line 58-col. 9, line 4; col. 15, lines 17-22);  
generating a first downlink data stream from program data retrieved from the memory (col. 14, lines 30-35);  
receiving a second delivery request (col. 16, lines 28-31); and  
generating a second downlink data stream in response simultaneously with the first downlink data stream (col. 14, lines 30-35; col. 15, lines 1-6).

13. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders and Rothblatt because Rothblatt's system of generating a first and a second time delayed data stream would increase the flexibility of Saunders's system by allowing multimedia information to be transmitted to user terminals at selected times during the day (col. 5, lines 14-16).

14. As per claim 22, Saunders taught the invention substantially as claimed for caching program data in a communication satellite, comprising:

receiving program data on an uplink (col. 5, lines 42-46);  
obtaining a program identifier associated with the program data (col. 2, lines 41-46);  
caching the program data in a memory (col. 4, lines 48-56);

retrieving the program data from the memory at a predetermined future time according to at least one of a delivery request and a delivery schedule (col. 5, lines 14-31; col. 8, line 58-col. 9, line 4; col. 15, lines 17-22);  
generating a first downlink data stream from program data retrieved from the memory (col. 14, lines 30-35);  
outputting a first preselected time delay control signal to the memory to generate a first time delay control signal (e.g. a simple access request) (col. 6, lines 41-48; col. 8, lines 34-38; col. 15, lines 46-50) to the memory to generate a first time delayed data stream (col. 14, lines 30-37; col. 15, lines 51-65); and  
outputting a second preselected time delay control signal (e.g. command for transmission) (col. 6, lines 41-48; col. 8, lines 34-38; col. 16, lines 33-35) to the memory to generate a second time delayed data stream with a delay different than the first time delayed data stream (col. 14, lines 30-37; col. 16, lines 35-40).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders and Rothblatt because Rothblatt's system of generating a first and a second time delayed data stream would increase the flexibility of Saunders's system by allowing multimedia information to be transmitted to user terminals at selected times during the day (col. 5, lines 14-16).

16. As per claims 8 and 15, Saunders and Rothblatt taught the invention substantially as claimed in claims 7 and 14 above. Although, Saunders and Rothblatt did not teach the delivery



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request comprises a delivery date, however, Rothblatt taught a delivery request comprises a delivery time (col. 5, lines 14-17; col. 8, line 58-col. 9, line 4). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a delivery date because by doing so it would increase the system flexibility by allowing transmission of data based on a selected date and time.

17. As per claims 2 and 9, Saunders and Rothblatt taught the invention substantially as claimed in claims 1 and 7 above. Saunders further taught comprising a first downlink modulator coupled to the memory (208, fig. 2; col. 6, lines 8-13).

18. As per claims 3, 12, 16 and 23, although Saunders and Rothblatt did not specifically teach a Digital Video Broadcast modulator, however, Rothblatt taught a downlink modulator (col. 8, lines 46-50) that can be use for video broadcasting (col. 4, lines 22-23; col. 10, lines 24-29). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a Digital Video Broadcast modulator because by doing so it would increase the field of use in Saunders's system.

19. As per claim 4, although Saunders and Rothblatt did not specifically teach two downlink modulators, however, Rothblatt taught a downlink modulator modulating a first time zone downlink and a second time zone downlink (col. 14, lines 30-37). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a second

downlink modulator because by doing so it would increase the efficiency of Saunders's system by providing a faster modulation processing time.

20. As per claims 5, 10 and 18, Saunders and Rothblatt taught the invention substantially as claimed in claims 1, 7 and 15 above. Saunders further taught that the memory is a solid state recorder (col. 4, lines 52-54).

21. As per claim 6, Saunders and Rothblatt taught the invention substantially as claimed in claim 1 above. Rothblatt further taught that the demodulated data is at least one of television program data, music data, and video game data (col. 4, lines 22-32).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of Saunders and Rothblatt because Rothblatt's teaching of including different type of data would increase the field of use in Saunders's system.

23. As per claim 11, Saunders and Rothblatt taught the invention substantially as claimed in claim 7 above. Saunders and Rothblatt further taught that the memory also stores second program data (e.g. web pages) (see Saunders, col. 4, lines 56-57) and a second program data identifier (e.g. requests with download codes) (see Saunders, col. 2, lines 39-46), and that the processor outputs a second control signal (see Rothblatt, col. 16, lines 28-39) to the memory to generate a second downlink data stream from the second program data when specified by a second delivery request (see Rothblatt, col. 16, lines 28-39).

24. As per claim 20, Saunders and Rothblatt taught the invention substantially as claimed in claim 14 above. Rothblatt further taught outputting a first preselected time delay control signal (e.g. a simple access request) (col. 6, lines 37-48; col. 8, lines 34-38; col. 15, lines 46-50) to the memory to generate a first time delayed data stream (col. 14, lines 30-35; col. 15, lines 51-65).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders and Rothblatt because Rothblatt's system of generating a first delayed data stream would increase the flexibility of Saunders's system by allowing multimedia information to be transmitted to user terminals at selected times during the day (col. 5, lines 14-16).

26. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders and Rothblatt in view of Kaiser et al, U.S. Patent 6,067,041 (hereinafter Kaiser).

27. As per claim 17, Saunders and Rothblatt taught the invention substantially as claimed in claim 16 above. Saunders and Rothblatt did not teach an IF by pass path. Kaiser taught bypassing the memory using an IF bypass path (90 fig. 2; col. 7, lines 16-19).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saunders, Rothblatt and Kaiser because Kaiser's

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method of IF bypass path would increase the efficiency of Saunders's and Rothblatt's systems by providing minimum delay to the transmission time of the data (col. 7, lines 17-20).

### CONCLUSION

29. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.



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